

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking to Promote Policy
and Program Coordination and Integration in
Electric Utility Resource Planning.

Rulemaking 04-04-003
(Filed April 1, 2004)

**ADMINISTRATIVE LAW JUDGE'S RULING
REGARDING ACCESS OF COLLABORATIVE STAFF
TO LONG-TERM PLANS AND SUPPORTING TESTIMONY**

Pursuant to the schedule adopted in the Assigned Commissioner's Ruling and Scoping Memo, Pacific Gas and Electric Company (PG&E), Southern California Edison Company (Edison), and San Diego Gas & Electric Company (SDG&E) are to serve their long-term plans and supporting testimony (the July 9 submissions) today. The review of these materials is being undertaken by the California Public Utilities Commission (CPUC) staff and the California Energy Commission (CEC) staff, who are working collaboratively in that effort in accordance with the provisions of the Order Instituting Rulemaking and under the direction of CPUC Assigned Commissioner Michael Peevey and CEC Commissioner John Geesman.¹ Essentially this means that the CEC's staff is functioning like the Commission's own advisory staff for purposes of this

¹ See *Joint Opening Statement of CPUC President Michael Peevey and CEC Commissioner John Geesman*, read into the record of the April 30, 2004 Prehearing Conference in this proceeding. As the *Opening Statement* indicates, the CEC is not a party to this proceeding, but is engaged in a collaborative role with the CPUC.

proceeding. As with past models² of interagency collaboration, it is a “given” that the CEC will honor any confidentiality claims that are ultimately upheld by the assigned ALJs in this proceeding and will ensure that any confidential or privileged documents are exempt from public disclosure under its regulations for confidential designation (Cal. Code Regs., tit. 20, § 2501 et seq.).

It is critical that collaborative staff and decisionmakers of both agencies have access to the same level of detail contained in the July 9 submissions. PG&E and SDG&E have recognized the need for this parity of information and will provide it. Edison is unwilling to do so in the absence of formal direction from the ALJ.

Therefore, **IT IS RULED** that:

1. The long-term plans and supporting testimony submitted in this proceeding shall be provided by Southern California Edison Company, Pacific Gas and Electric Company, and San Diego Gas & Electric Company on July 9 to the California Energy Commission (CEC) collaborative staff on the same basis, i.e., to the same nature and extent, as it is provided to the California Public Utilities Commission (CPUC) collaborative staff in this proceeding. To that end, copies of the July 9 submissions, including any information submitted as confidential, shall be provided to all CEC individuals on the service list, plus an additional 10 copies to Karen Griffin of the CEC, at the same time the submissions are provided to CPUC staff.

² See, e.g., the February 3, 2004, Ruling issued by Administrative Law Judge (ALJ) Peter Allen in Rulemaking 01-10-024 discussing the informational needs of RPS collaborative staff.

2. CEC staff shall not publicly disclose any confidential information included in the materials submitted by the utilities.

Dated July 9, 2004, at San Francisco, California.

/s/ LYNN T. CAREW

Lynn T. Carew
Assistant Chief
Administrative Law Judge

CERTIFICATE OF SERVICE

I certify that I have by mail, and by electronic mail to the parties to which an electronic mail address has been provided, this day served a true copy of the original attached Administrative Law Judge's Ruling Regarding Access of Collaborative Staff to Long-Term Plans and Supporting Testimony on all parties of record in this proceeding or their attorneys of record.

Dated July 9, 2004, at San Francisco, California.

/s/ KE HUANG

Ke Huang

N O T I C E

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to ensure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.